



PRAIRIE ISLAND INDIAN COMMUNITY
LEGAL DEPARTMENT

January 31, 2007

Philip N. Hogen, Chairman
Cloyce V. Choney, Commissioner
National Indian Gaming Commission
1441 L Street, NW, Suite 9100
Washington, DC 20005

Via Facsimile and U.S. Mail
(202) 632-7066

Re: Comments on Class II Technical Standards

Dear Chairman Hogen and Commissioner Choney:

We write on behalf of the Prairie Island Indian Community to comment on the NIGC's proposed rules for Class II Technical Standards.

We incorporate by reference our comments dated December 15, 2006 on the NIGC's proposed regulations for Class II Definitions and Gaming Standards.

We do not believe that the NIGC has established a need to change the existing regulations for Class II gaming. In addition, our Tribe remains concerned with the manner in which the NIGC has developed these proposed regulations. The current rulemaking process lacked meaningful consultation with Indian Tribes. Notwithstanding the fact that the NIGC assembled a tribal advisory committee (TAC) to participate in the process, the committee *was not* invited to participate in drafting the proposed regulations and little, if any, of the TAC's input has been incorporated into the NIGC's proposed rules. The NIGC has failed to comply with its own consultation policy and failed to engage in meaningful government-to-government negotiations with tribes. The NIGC's failure to consult meaningfully with tribes resulted in proposed Class II technical standards that many tribal and industry representatives criticized as illogical and unworkable, and so prohibitively expensive that they would threaten the commercial viability of Class II gaming.

Despite our concerns about the NIGC's development of these regulations and disregard of the TAC, we are pleased that the NIGC did finally agree to meet with the TAC last week to receive the TAC's proposed alternative Class II technical standards. We hope

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NATIONAL INDIAN GAMING COMMISSION

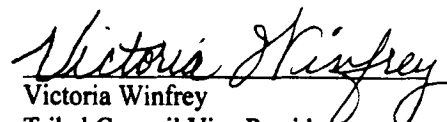
that the NIGC will give due consideration to the alternative Class II Technical Standards submitted by the TAC, and that all tribes will have a meaningful opportunity to review and comment on the TAC's proposed alternative Class II technical standards. We respectfully submit that the TAC's Working Group's collaboration of tribal, technical, industry and legal specialists is the appropriate model for considering potential future regulatory amendments *before* the proposed amendments are circulated to tribes, and *before* the proposed regulations are formally published for consideration and comments.


As we previously commented, the proposed regulations arbitrarily redefine established regulatory terms and limit what Congress clearly intended to permit. Under IGRA, Congress clearly permits the use of electronic equipment, or "technologic aids", in the play of Class II games. Legislative history shows that Congress was alert to the fact that technology would continue to advance, and that Class II gaming likewise should be allowed to evolve and grow through technological advancement. As noted in the Senate report: "The Committee intends that tribes be given the opportunity to take advantage of modern methods of conducting Class II games and the language regarding technology is designed to provide maximum flexibility."


The NIGC should honor both the spirit and the language of IGRA, the Tribes' hard-fought federal court victories, and the NIGC's own regulatory framework. We urge the NIGC to give these comments serious consideration and to refrain from placing unwarranted restrictions on Class II gaming. We further urge the NIGC to give due consideration to the alternative Class II Technical Standards submitted by the TAC's Working Group, and that all tribes be given a meaningful opportunity to review and comment on them as well.

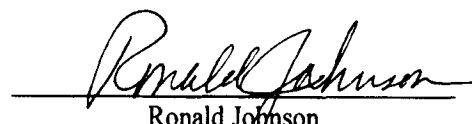
Sincerely,


Audrey Bennett
Tribal Council President


Victoria Winfrey
Tribal Council Vice President


Johnny Johnson
Tribal Council Secretary


Alan Childs II
Tribal Council Treasurer


Ronald Johnson
Tribal Council Assistant Secretary/Treasurer